

**COURT OF APPEALS  
DECISION  
DATED AND RELEASED**

March 5, 1996

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

**NOTICE**

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

**No. 95-0644**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT I**

**MARY FERTEL-RUST,**

**Petitioner-Appellant,**

**v.**

**DEPARTMENT OF INDUSTRY, LABOR  
AND HUMAN RELATIONS,  
BELMONT HOTEL and  
BLANKSTEIN CORPORATION,**

**Respondents-Respondents.**

APPEAL from an order of the circuit court for Milwaukee County:  
MICHAEL D. GUOLEE, Judge. *Affirmed.*

Before Wedemeyer, P.J., Sullivan and Fine, JJ.

PER CURIAM. Mary Fertel-Rust, *pro se*, appeals from an order of the trial court that dismissed her petition to review a decision of the Department of Industry, Labor, and Human Relations. Fertel-Rust had filed a sex and age discrimination complaint against the Belmont Hotel and Blankstein Enterprises,

Inc., under the Wisconsin Open Housing Law. See § 101.22, STATS. The Department dismissed her complaint because she failed to appear at her deposition and because she failed to respond to an order of an administrative law judge requesting an explanation for her failure to appear at the deposition. She petitioned to the circuit court pursuant to Chapter 227, STATS., which dismissed her petition, concluding that she failed to sustain her burden under § 227.57(2), STATS., for setting aside or modifying the Department's order. She now appeals to this court, raising essentially five disparate issues for our review. We address each of these issues *seriatim* and conclude that she presents this court with no basis to reverse the trial court order.<sup>1</sup>

Fertel-Rust appeals the trial court's order pursuant to § 227.58, STATS.<sup>2</sup> In reviewing a trial court's ruling on an administrative decision, however, we review the agency's decision, not the trial court's reasoning. *Barakat v. DHSS*, 191 Wis.2d 769, 778, 530 N.W.2d 392, 395 (Ct. App. 1995). Nonetheless, we apply the same standard and scope of review as that which the trial court employed when it reviewed the agency's decision. *Id.*

Fertel-Rust first argues that her constitutional right “not to be evicted without cause shown in court” was violated. Fertel-Rust filed her complaint with the Department, alleging sex and age discrimination. The trial court dismissed this complaint after she failed to appear at her deposition, and failed to respond to a Department order to explain her failure to appear. Fertel-Rust has presented this court with nothing from which we can conclude that the Department's actions either deprived her of a fair proceeding, see § 227.57(5), STATS., or erroneously exercised the discretion delegated to the Department, see § 227.57(8), STATS.

---

<sup>1</sup> We acknowledge that Fertel-Rust's appeal is *pro se*. Nonetheless, in civil cases such as this, she is not entitled to any leniency. She is bound by the same rules that apply to attorneys on appeal. *Waushara County v. Graf*, 166 Wis.2d 442, 452, 480 N.W.2d 16, 20, *cert. denied*, 506 U.S. 894 (1992).

<sup>2</sup> Section 227.58, STATS., provides:

**Appeals.** Any party, including the agency, may secure a review of the final judgment of the circuit court by appeal to the court of appeals within the time period specified in s. 808.04 (1).

She next argues she was deprived of access to the court system and oral argument. Her argument on this issue is insufficiently developed; hence, we will not address it. *Barakat v. DHSS*, 191 Wis.2d at 786, 530 N.W.2d at 398.

Fertel-Rust next argues that she was deprived the right to a jury trial. This argument has no merit. Statutory judicial review of an administrative decisions does not entitle a party to a jury trial. *See* 227.57(1), STATS. (“The review shall be conducted by the court without a jury and shall be confined to the record.”).

She also argues that the State of Wisconsin improperly represented the Belmont Hotel in court proceedings. She misunderstands the nature of the proceeding in the circuit court. The State of Wisconsin is not representing the Belmont Hotel, but defending the Department, whose decision she challenged in the circuit court and now before this court.

Finally, Fertel-Rust makes a general challenge to the fairness of her treatment by the Belmont Hotel, the administrative law judge, and the circuit court. Her exegesis on this challenge does not provide this court with any basis to reverse the trial court order. The trial court properly concluded that Fertel-Rust had failed to meet her burden on any ground listed in § 227.57, STATS., to set aside the Department's decision. Accordingly, we affirm.

*By the Court.* – Order affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.